

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
EASTERN DIVISION**

ROBERT L. YARBROUGH, #R7989

PETITIONER

VERSUS

CIVIL ACTION NO. 4:06cv121DPJ-JCS

CHRISTOPHER EPPS, Commissioner of MDOC

RESPONDENT

FINAL JUDGMENT

This cause is before the Court, *sua sponte*, for consideration of dismissal. Pursuant to the Memorandum Opinion and Order issued this date and incorporated herein by reference,

IT IS HEREBY ORDERED AND ADJUDGED that this cause be, and is hereby, dismissed without prejudice, for Petitioner's failure to exhaust his available state remedies.

SO ORDERED AND ADJUDGED this the 7th day of December, 2006.

s/ Daniel P. Jordan III

UNITED STATES DISTRICT JUDGE